

ZONING BOARD OF APPEALS MINUTES

August 12, 2014 – Regular Meeting
Delta Township Administration Building

I CALL TO ORDER

Vice Chairman Newman called the meeting to order.

II PLEDGE OF ALLEGIANCE

Vice Chairman Newman led the Board and others present in reciting the Pledge of Allegiance to the Flag.

III ROLL CALL

Members Present: Arking, Barnhart, Hicks, Laforet, Newman, and Parr.

Members Absent: Reed - excused

Others Present: Chris Gruba, Assistant Planner

IV SET AND ADJUST AGENDA

There were no changes to the agenda.

V APPROVAL OF MINUTES

1. July 8, 2014 Regular Meeting Minutes

MOTION BY PARR, SECONDED BY BARNHART, THAT THE MINUTES OF THE JULY 8, 2014 REGULAR MEETING OF THE ZONING BOARD OF APPEALS BE APPROVE AS PRESENTED. VOICE VOTE. CARRIED 6-0.

VI OLD BUSINESS - None

VII NEW BUSINESS

1. **CASE NO. V-14-4-25:** Deepdale Cemetery is requesting a variance to construct a 20' x 20' concrete pad and wood frame gazebo within the flood plain.

Mr. Gruba said the applicant was proposing to construct a gazebo within the 100-year flood plain of the Grand River. He noted that the structure would extend approximately

ZONING BOARD OF APPEALS REGULAR MEETING OF AUGUST 12, 2014 P. 2

150 feet into the 100-year flood plain and 60 feet from the edge of the water. Mr. Gruba noted the reason why a variance was needed was that Section 3.4.0 (D)(1) of the Township's Zoning Ordinance states that no building or structure shall be constructed, placed, or substantially improved so as to extend its use within the flood hazard area. Mr. Gruba noted that the applicant had obtained approval from the Michigan Department of Environmental Quality (MDEQ) which was required when structures were constructed within the 100-year flood plain. He noted that staff had not received any correspondence or phone calls from adjacent property owners on the request. Mr. Gruba noted that last year, the Zoning Board of Appeals approved the construction of a deck and pool within the 100-year flood plain, as well as a pole barn in 1989.

Deepdale Representative Ed Gillespie, 4110 Lansing Road, stated that the cemetery was proposing to construct a gazebo to be used by families for their committal services. He noted that they had originally planned to construct a pergola, but decided to build a structure with a roof that would provide shelter. Mr. Gillespie proceeded to review the basic conditions for granting a variance by noting that the variance would not be contrary to the public's interest or to the intent and general purpose of the Zoning Ordinance due to the fact that the cemetery has had several requests over the years for something of this nature. He noted that the variance would not permit the establishment within a district of any use which is not permitted by right or special use permit due to the fact that gazebo's were permitted within the RC, Moderate Density Residential, zoning district. Mr. Gillespie indicated that the variance would not cause a substantial adverse effect upon properties in the immediate vicinity or in the zoning district in which the parcel is located due to the fact that the gazebo would be setback 1,000 feet from any property line and would not be visible to adjacent property owners. Mr. Gillespie indicated that the variance only related to property described in the application of the variance. Mr. Gillespie pointed out that the cemetery business was very customer oriented and when families had special requests, they went out of their way to accommodate their wishes.

Mr. Gillespie felt they met Special Condition #1, where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of the ordinance. These hardships or difficulties shall not be deemed solely economic, but shall be evaluated in terms of the use of a particular parcel of land. Mr. Gillespie informed the Board that the area where the gazebo would be constructed was flat open space and close to the cemeteries access road. He noted that the cemetery was nearing its capacity and that this was the only location within the cemetery that would accommodate the structure.

Ms. Parr questioned if the applicant intended to build the size of gazebo that was approved by the MDEQ.

Mr. Gillespie stated that they would be staying within the dimensions that were submitted to the MDEQ.

ZONING BOARD OF APPEALS REGULAR MEETING OF AUGUST 12, 2014 P. 3

Mr. Arking asked if the MDEQ would allow electricity to serve the gazebo.

Mr. Gillespie said they probably would not install electricity to serve the gazebo.

Mr. Hicks felt that since the cemetery closed at dusk, it would alleviate the need for the structure to be served by electricity.

Mr. Newman questioned how many requests the cemetery had received from families for a structure of this nature.

Mr. Gillespie said they had received several requests over the years from families whose burial plots were located in this area of the cemetery. He said a temporary tent was used during committal services at the present time.

Mr. Newman inquired about the function of the gazebo.

Mr. Gillespie said caskets would be brought to the gazebo for committal services and then taken to the grave site.

Ms. Laforet asked if a concrete pathway would be constructed from the road to the gazebo.

Mr. Gillespie stated that they had considered installing a sidewalk which had already been approved by the MDEQ.

MOTION BY BARNHART, SECONDED BY HICKS, THAT THE PUBLIC HEARING BE CLOSED. VOICE VOTE. CARRIED 6-0.

MOTION BY HICKS, SECONDED BY BARNHART, THAT IN CASE NO. V-14-4-25, A VARIANCE TO CONSTRUCT A 20' X 20' CONCRETE PAD AND WOOD FRAME GAZEBO WITHIN THE FLOOD PLAIN, BE APPROVED FOR THE FOLLOWING REASONS:

- 1. THE APPLICANT HAS SATISFIED ALL FOUR OF THE BASIC CONDITIONS SET FORTH IN THE ZONING ORDINANCE AND SPECIAL CONDITION #1 INSOMUCH AS THERE DOES NOT APPEAR TO BE ANYWHERE ELSE ON THE PARCEL WHERE THE STRUCTURE COULD BE LOCATED THAT WOULD BE OUTSIDE OF THE FLOOD PLAIN, YET NOT IN AN AREA THAT WAS OTHERWISE PLOTTED OR WHERE THERE ARE BURIALS OR CREMAINS.**
- 2. THAT STAFF BE PROVIDED WITH A COPY OF THE MDEQ PERMIT.**

ZONING BOARD OF APPEALS REGULAR MEETING OF AUGUST 12, 2014 P. 4

SUBJECT TO THE FOLLOWING STIPULATION:

1. THE APPLICANT SHALL COMPLY WITH ALL THE MDEQ REGULATIONS.

Mr. Hicks noted that he was comfortable approving the variance due to the fact the applicant must have satisfied all of the MDEQ's requirements for them to have issued a permit.

ROLL CALL VOTE. CARRIED 6-0.

VIII. OTHER BUSINESS – None

IX STAFF COMMENTS

Mr. Gruba noted that a meeting may be scheduled in order for the Sign Board of Appeals to meet with the Township's consultant regarding the re-write of the Sign Ordinance.

Mr. Hicks noted that at the time the consultant submitted their proposal, the Sign Board of Appeals was not factored into the bid. He said a question has been forwarded to the Township Manager as to whether or not a meeting with the Sign Board of Appeals would take place. Mr. Hicks said whether a meeting happened or not, he encouraged the consultant to reach out to the Sign Board of Appeals for help in identifying a few of the issues they had encountered in the past. He also encouraged the Sign Board to be thinking about the types of things they had encountered with the Sign Ordinance and where improvements could be made. Mr. Hicks also noted that the Township Board met with the consultant at their meeting last night at which time they discussed their concerns with the existing Sign Ordinance and the results of a survey that had been taken by the public and the business community.

X BOARD COMMENTS

XI ADJOURNMENT

Vice Chairman Newman adjourned the meeting at 6:30 p.m.

DELTA CHARTER TOWNSHIP

Mary Clark, Secretary to the Zoning Board of Appeals

Minutes prepared by Anne Swink